

IOWA
PART B, IDEA

**REVISED POLICIES PURSUANT TO THE AMENDMENTS OF 2004 TO THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AND ITS'
ATTENDANT REGULATIONS.**

THESE REVISED POLICIES ARE BEING SUBMITTED TO THE US DEPARTMENT OF
EDUCATION SO THAT IOWA'S POLICIES AND PROCEDURES ARE IN ACCORD WITH
FEDERAL REQUIREMENTS.

THE DEPARTMENT IS PROVIDING OPPORTUNITY FOR REVIEW AND COMMENT UPON
THESE REVISED POLICIES THROUGH THE IOWA DEPARTMENT OF EDUCATION'S WEBSITE.

AN COMMENT FORM IS INCLUDED IN THIS DOCUMENT WITH AN AUTOMATIC E-MAIL
LINK TO SUBMIT COMMENTS TO THE DEPARTMENT.

III. CHILD FIND

It is the policy of the State of Iowa that all children with disabilities in the age range from birth to 21 years of age residing in this state who are in need of special education and related services are identified, located, and evaluated. A comprehensive child identification system exists in the state that makes it possible to ascertain the number of children with disabilities who are receiving special education and related services. These provisions apply to all Iowa children, including children attending private schools and children who are homeless or wards of the state.

The AEAs and LEAs shall be responsible for ensuring:

1. testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities for services will be selected and administered so as not to be racially or culturally discriminatory.
2. materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so
3. no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

Existing state legislation governing the provision of, and financial support for, special education instructional and support service programs requires the State Education Agency (SEA) in Iowa to assume responsibility for coordinating the planning and implementation of child find policies and procedures.

The delivery of special education instructional and support services to children with disabilities in Iowa is a cooperative endeavor involving state, area education agencies (AEAs), local education agencies (LEAs) and local public and private agencies. The primary responsibility for providing such educational services is assigned to the public educational agencies of Iowa through statutes mandating the education of children with disabilities. Specific statutory requirements relating to the delivery of special education services make it imperative that the Iowa Department of Education, Bureau of Children, Family and Community Services, be the principal administering agency of the child find system. Responsibilities of AEAs and LEAs are set forth in Iowa Administrative Code.

AEAs and LEAs may identify students with disabilities using either a categorical or noncategorical model. In such circumstances where a student with a disability is identified as an "eligible individual," each AEA shall develop their own procedures for such identification. The critical passage of Iowa policy reads: "Each AEA shall develop written policies pertinent to the provision of special education and related services, and shall make such policies available to the Department upon request. While AEAs may identify students as eligible for special education without designating a specific disability category, it is recognized that in certain circumstances the educational diagnosis of a specific disability, such as autism or sensory impairment, may enhance the development and ongoing provision of an appropriate educational program".

The present system for monitoring the number of children with disabilities within each category is a computerized system used to determine which children are receiving special education and related services. The Department annually reviews information from Iowa's information management system to determine the effectiveness of policies and procedures related to child find. If anomalies or disproportionality issues appear in the data or if other information suggests needed modifications in the system, the Department initiates corrective action within the system. The Iowa Department of Education acknowledges that the collection of data to meet child find requirements is subject to the confidentiality requirements of IDEA.

Iowa code requires AEAs to be accredited by the state. The accreditation process outlined in code calls for AEAs to be monitored every three years. AEAs are required to have a plan in place that outlines the agency's actions to meet the child find standards identified by the State. The plan and the monitoring activities enable the Department of Education to evaluate the effectiveness of the identification process.

In addition, the State of Iowa and AEAs will monitor annually the local school district child find activities through the state's monitoring process.

Iowa's child find system is an ongoing program involving LEAs, AEAs, and the SEA. Initial identification/referral activities are conducted with the Iowa Department of Human Services, the Iowa Department of Public Health, public and private preschool facilities, local hospitals, public and private family and pediatric physicians, and a variety of parent support groups that function within the geographic boundaries of each AEA. These agencies receive periodic updates that describe referral procedures to assist in the child find process. According to Iowa code, upon request the Iowa Department of Public Health shall furnish information obtained in from birth certificates relative to the name, address, and address in of any case of developmental disability and the child specialty clinics will provide the same type of information. The Department of Human Services provides for the evaluation and identification of students with disabilities in each of their facilities. In addition, the Department of Human Services refers students who are suspected of being students with disabilities to the area education agencies. These activities go on throughout the entire year.

The Iowa Department of Education is the lead agency in Iowa for Part C of IDEA. The Department works with Iowa Compass, a comprehensive statewide informal referral service for Iowans with disabilities, their families, professionals who work with them, and other community members. The Iowa Compass website and database are updated monthly to facilitate direct access by consumers.

Legal References

Federal Requirements

20 USC 1412(a)(3)..... Requires all children with disabilities to be located

Iowa Requirements

Iowa Administrative Rules of Special Education, February 2000

281-41.47 through 41.56 Division VII – Identification
281-41.12Responsibilities of all agencies
281-41.18(1).....AEA Responsibilities
281-41.109Independent educational evaluation
281-41.3(3).....Free appropriate public education
281-41.3(4)Full educational opportunity
281-41.75Transition from Part C to Part B
281-41.1Scope
281-41.3(2)Responsibility
281-41.3(1)Availability
281-41.110Surrogate parent procedures
281-41.84Instructional services
281-41.29Confidentiality of information
281-41.30Information recorded and confidentiality maintained

IV. INDIVIDUALIZED EDUCATION PROGRAM

It is the policy of the State of Iowa to require the development of individualized education programs (IEPs) for children requiring special education and related services. All public and private agencies that provide special education are governed by policies, rules, statutes and procedures for the establishment, review, and revision of IEPs for all children requiring special education and for the maintenance of IEP records.

The Iowa Department of Education is not currently providing direct services to any child. However, should it become necessary for the State Education Agency (SEA) to provide services, the services will be provided in accordance with IDEA's requirements.

An IEP or individualized family service plan (IFSP) is a written statement for each individual with a disability that is the basis for a public education agency providing special education and related services in Iowa. No public special education or related services may be provided until an IEP or IFSP has been written and agreed upon by the IEP or IFSP team.

IFSPs are required for children with disabilities ages birth through 2. At the age of 3, students with disabilities have an IEP.

All IEPs and IFSPs must be implemented as soon as possible following the determination that a student requires special education. A meeting to develop an IEP must be held within 30 days of a determination of need and an IEP shall be in effect for every eligible individual at the beginning of the school year. In addition to holding all agencies responsible for conducting meetings, Iowa Rules of Special Education require that IEP meetings be held within a reasonable time, and that the IEP team review the IEP not less than annually. The IEP must be accessible to all who have responsibility for its implementation. Each local education agency (LEA) must have a policy to ensure that there is a procedure in place for each provider to have access to the IEP.

Public agencies ensure that the IEP team for each child with a disability includes:

1. the parents of the child;
2. not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
3. not less than one special education teacher of the child, or if appropriate, at least one special education provider of the child;
4. a representative of the public agency who is qualified to provide or supervise the provisions of specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the public agency;
5. an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in 2 through 6 of this paragraph;

6. at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate – The determination of the knowledge or special expertise of any individual shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP team; and
7. if appropriate, the child.

A public agency may designate another public agency member of the IEP team to also serve as the agency representative (IEP team participant #4 above) if they satisfy the criteria specified for that role.

An IEP team member may be excused from attending an IEP meeting if the parents and public agency agree that the individual's attendance is not necessary because that member's curriculum area or related service is not being discussed. This agreement must be in writing.

An IEP team member may be excused from attending an IEP meeting that involves a modification discussion of the member's curriculum area or related service if the parent (in writing) and public agency agree to the excusal and the excused member submits written input prior to the meeting.

The public agency, at the request of the parent, must invite the Part C service coordinator or other representatives of the Part C program to the IEP meeting for a child transitioning from Part C to Part B services.

The public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of the student's transition services. If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered. The public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services. It is the policy of the state of Iowa that consent shall be obtained before sharing personally identifiable information with agencies providing or funding transition services.

Iowa Rules of Special Education require that notification regarding IEP meetings be provided to parents. That notification must contain the purpose (including transition), time and location of the meeting, and who will be in attendance. If parents cannot attend, the Iowa Rules of Special Education describe procedures for documenting attempts to involve the parent. If needed, interpreters shall be provided to increase parent participation. Parents will receive a copy of the IEP. In addition, the State of Iowa and area education agencies (AEAs) disseminate information to increase parent participation, offer training for parents, and provide support personnel to accompany parents to meetings.

Each public agency responsible for special education and related services assures that in the development of the IEP all relevant considerations are made to address the needs of the student with a disability. In developing each child's IEP, the IEP team shall consider the strengths of the child and the concerns of the parents for enhancing the education of their child, the results of the initial or most recent evaluation of the child, the academic, developmental, and functional needs of the child, and as appropriate, the results of the child's performance on any general State or district-wide assessment programs. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider all factors described below.

- In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;
- In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
- Consider the racial and ethnic factors that may be contributing to the needs of the child – both prior to and during the determination and development of the IEP;
- In the case of a child who is blind or visually impaired, provide for instruction in Braille reading and writing and the use of Braille unless the IEP team determines, after a functional vision evaluation and an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child. No child will be denied Braille instruction solely because the child has some vision remaining. The instruction in Braille shall be sufficient to enable the child to communicate effectively and efficiently at a level commensurate with his sighted peers of comparable grade level and intellectual functioning.
- Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
- Consider whether the child requires assistive technology devices and services.

The IEP team shall consider a child's IFSP when developing an appropriate program for a child transferring from the Part C program to the Part B program.

The IEP must contain a statement of the child's academic achievement and functional performance, a statement of measurable annual goals, including academic and functional goals, and a statement of the special education and related services and supplementary aids and services to be provided. These services will be based on peer-reviewed research to the extent practicable. For children with disabilities taking alternate assessments aligned to alternate achievement standards a description of short-term objectives must be included. The IEP must also include an explanation of the extent to which an individual will participate in the general education curriculum and district assessments. Finally, the

projected date for the start, frequency, location, duration and monitoring of services must be included in all IEPs.

The IEP must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of a child on State and district-wide assessments, and if the IEP team determines that the child shall take an alternate assessment, a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child.

The IEP must include a statement of how the child's progress toward annual goals will be measured and when periodic reports on progress will be provided (such as quarterly or other periodic reports concurrent with regular report cards).

Beginning not later than the IEP in effect when the child turns 14 and annually thereafter, the IEP must include a statement of appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, and the transition services (including courses of study) needed to assist the child in reaching those goals. . The IEP must include a statement that the child has been informed of rights transferring at the age of majority at least one year before rights transfer. Special rules concerning IEPs for students with disabilities convicted as adults and incarcerated are included in the Iowa Rules of Special Education.

If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student with a disability, the public agency responsible for the student's education shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies to meet the transition objective and, if necessary, revising the student's IEP.

The State of Iowa provides each public agency with an IEP form that meets all the above requirements. If an agency chooses to use any other form or make changes to the state form, it must be approved by the state. The state also provides guidance to public agencies by providing technical assistance guides regarding IEP development and requirements.

Changes to the IEP, after the annual meeting, can occur without a meeting, if the parents and LEA agree and develop a written document to amend or modify the IEP.

Amendments to IEPs can be made by the entire IEP team or by just the parent and LEA (as in § 1414(d)(3)(D)) and that the IEP can be amended, rather than completely redrafted, unless the parent requests a revised copy with the amendments incorporated.

LEAs should encourage the consolidation of reevaluation meetings and other IEP meetings.

Nothing is to be construed to require that IEPs include more than what is explicitly provided for in 20 U.S.C. 1414 as well as the provision in prior law that an IEP team need not include information under a component of an IEP that is already included elsewhere in the IEP.

For children transferring school districts within the same state, the new LEA provide FAPE, including services consistent with the previous district's IEP, in consultation with the parents, until the new LEA either adopts the prior IEP or develops a new IEP. For children transferring from one State to another, the new LEA provide FAPE, including services consistent with the previous district's IEP, in consultation with the parents, until the new LEA conducts an evaluation, and if needed, develops a new IEP. For a child who is transferring into a district, the new LEAs must take reasonable steps to promptly obtain the child's records and the 'old' district take reasonable steps to promptly respond to those requests.

The public agency, when it makes a placement in a private school, assures that a representative of the private school facility attends the IEP meeting. If the representative cannot attend, other methods will be used to ensure participation by the private school or facility, such as individual or conference telephone calls. IEPs for individuals in private schools must be revised and reviewed according to the Iowa rules. The Iowa Rules of Special Education specify that responsibility for compliance remains with the public agency.

The Iowa Rules of Special Education do not hold any agency, teacher, or other person accountable “if an individual does not achieve the growth projected” in the IEP. Parents retain rights to ask for revisions or invoke due process procedures. To monitor the implementation of individual education programs, the SEA and AEAs utilize monitoring and evaluation procedures. The monitoring and evaluation procedures include a comprehensive data review of the agency's policies, procedures, and documentation that assures compliance with all State and Federal statutes and regulations relating to the development and implementation of IEPs for children with disabilities served by the agency.

Legal References

Federal Requirements

20 USC 1412(a)(4).....Individualized education programs
20 USC 1414.....IEP and educational placements
20 USC 1436(d).....Individualized family service plan (IFSP)

Iowa Requirements

Iowa Code Chapter 256B	Special Education
Iowa Rules of Special Education	
Division VII 281-41.59 through 41.81	IEP

VI. PROCEDURAL SAFEGUARDS

Establishment of Procedures

The State of Iowa has established and maintained procedures in accordance with IDEA 2004 to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education.

Types of Procedures

The procedures include the following:

(1) An opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child.

(2) Procedures to protect the rights of the child whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents, or the child is a ward of the State, including the assignment of an individual to act as a surrogate for the parents, which surrogate shall not be an employee of the Iowa Department of Education, the local educational agency, the area education agency (AEA) or any other agency that is involved in the education or care of the child. In the case of a child who is a ward of the State, such surrogate may alternatively be appointed by the judge overseeing the child's care provided that the surrogate meets the requirements; and, in the case of an unaccompanied homeless youth, the local educational agency shall appoint a surrogate.

The State of Iowa shall make reasonable efforts to ensure the assignment of a surrogate not more than 30 days after there is a determination by the agency that the child needs a surrogate. The AEA is responsible for appointing surrogate parents.

(3) Written prior notice to the parents of the child, in accordance with the requirements, whenever the local educational agency proposes to initiate or change; or refuses to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child.

(4) Procedures designed to ensure that the notice required is in the native language of the parents, unless it clearly is not feasible to do so.

(5) An opportunity for mediation, in accordance with IDEA 2004.

(6) An opportunity for any party to present a complaint with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child; and which sets forth an alleged violation that occurred not more than 2 years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the complaint, for presenting such a complaint under this part, in such time as the State law allows, except that the exceptions to the timeline shall apply.

(7) Procedures that require either party, or the attorney representing a party, to provide due process complaint notice in accordance with the requirements (which shall remain confidential) to the other party, and forward a copy of such notice to the Iowa Director of Education that shall include--

- the name of the child, the address of the residence of the child (or available contact information in the case of a homeless child), and the name of the school the child is attending;
- in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending;
- a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem;
- a proposed resolution of the problem to the extent known and available to the party at the time.

A party may not have a due process hearing until the party, or the attorney representing the party, files a notice that meets the requirements.

(8) Procedures that require the State educational agency to develop a model form to assist parents in filing a complaint and due process complaint notice in accordance with (6) and (7), respectively. Iowa provides a model form in its procedural safeguards brochure for parents and on the department website.

Notification Requirements

The content of prior written notice shall include--

- (A) a description of the action proposed or refused by the agency;
- (B) an explanation of why the agency proposes or refuses to take the action and a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- (C) a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- (D) sources for parents to contact to obtain assistance in understanding the provisions of this part;
- (E) a description of other options considered by the IEP Team and the reason why those options were rejected; and
- (F) a description of the factors that are relevant to the agency's proposal or refusal.

The due process complaint notice shall be deemed to be sufficient unless the party receiving the notice notifies the administrative law judge (ALJ) and the other party in writing that the receiving party believes the notice has not met the requirements of IDEA 2004.

If the local educational agency has not sent a prior written notice to the parent regarding the subject matter contained in the parent's due process complaint notice, such local

educational agency shall, within 10 days of receiving the complaint, send to the parent a response that shall include--

- an explanation of why the agency proposed or refused to take the action raised in the complaint;
- a description of other options that the IEP Team considered and the reasons why those options were rejected;
- a description of each evaluation procedure, assessment, record, or report the agency used as the basis for the proposed or refused action; and
- a description of the factors that are relevant to the agency's proposal or refusal.

A response filed by a local educational agency shall not be construed to preclude such local educational agency from asserting that the parent's due process complaint notice was insufficient where appropriate. Except as provided, the non-complaining party shall, within 10 days of receiving the complaint, send to the complaint a response that specifically addresses the issues raised in the complaint. The party providing an ALJ notification shall provide the notification within 15 days of receiving the complaint. Within 5 days of receipt of the required notification, the ALJ shall make a determination on the face of the notice of whether the notification meets the requirements and shall immediately notify the parties in writing of such determination.

A party may amend its due process complaint notice only if

- the other party consents in writing to such amendment and is given the opportunity to resolve the complaint through a meeting held; or
- the ALJ grants permission, except that the ALJ may only grant such permission at any time not later than 5 days before a due process hearing occurs.

The applicable timeline for a due process hearing under this part shall recommence at the time the party files an amended notice, including the timeline under the due process hearing section below.

Procedural Safeguards Notice

The State of Iowa provides a parental rights brochure to each AEA to print and disseminate. A copy of the procedural safeguards available to the parents of a child with a disability shall be given to the parents only 1 time a year, except that a copy also shall be given to the parents upon initial referral or parental request for evaluation; upon the first occurrence of the filing of a complaint; and upon request by a parent. A local educational agency may place a current copy of the procedural safeguards notice on its Internet website if such website exists. The procedural safeguards notice shall include a full explanation of the procedural safeguards, written in the native language of the parents (unless it clearly is not feasible to do so) and written in an easily understandable manner relating to--

- (A) independent educational evaluation;
- (B) prior written notice;
- (C) parental consent;
- (D) access to educational records;

- (E) the opportunity to present and resolve complaints, including--
 - (i) the time period in which to make a complaint;
 - (ii) the opportunity for the agency to resolve the complaint; and
 - (iii) the availability of mediation;
- (F) the child's placement during pendency of due process proceedings;
- (G) procedures for students who are subject to placement in an interim alternative educational setting;
- (H) requirements for unilateral placement by parents of children in private schools at public expense;
- (I) due process hearings, including requirements for disclosure of evaluation results and recommendations;
- (J) State-level appeals (Iowa offers a one-tiered system);
- (K) civil actions, including the time period in which to file such actions; and
- (L) attorneys' fees.

Mediation

The State of Iowa ensures that procedures are established and implemented to allow parties to disputes involving any matter, including matters arising prior to the filing of a due process complaint, to resolve such disputes through a mediation process. Iowa calls mediation without requesting a due process hearing a “preappeal conference.” The procedures shall ensure that the mediation process is voluntary on the part of the parties; is not used to deny or delay a parent's right to a due process hearing, or to deny any other rights afforded under this part; and is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The State of Iowa may establish procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with a parent training and information center or community parent resource center in the State or an appropriate alternative dispute resolution entity, to encourage the use, and explain the benefits, of the mediation process to the parents.

Iowa maintains a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. The State of Iowa shall bear the cost of the mediation process, including the costs of meetings with a disinterested party to encourage the use, and explain the benefits of mediation. Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth such resolution and that states that all discussions that occurred during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; is signed by both the parent and a representative of the agency who has the authority to bind such agency; and is enforceable in any State court

of competent jurisdiction or in a district court of the United States. Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding.

Impartial Due Process Hearing

Whenever a due process hearing complaint has been received, the parents or the local educational agency involved in such complaint shall have an opportunity for an impartial due process hearing, which shall be conducted by the State of Iowa. Prior to the opportunity for an impartial due process hearing the local educational agency shall convene a Resolution Session meeting with the parents and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the complaint within 15 days of receiving notice of the parents' complaint; which shall include a representative of the agency who has decisionmaking authority on behalf of such agency; which may not include an attorney of the local educational agency unless the parent is accompanied by an attorney; and where the parents of the child discuss their complaint, and the facts that form the basis of the complaint, and the local educational agency is provided the opportunity to resolve the complaint, unless the parents and the local educational agency agree in writing to waive such meeting, or agree to use the mediation process.

If the local educational agency has not resolved the complaint to the satisfaction of the parents within 30 days of the receipt of the complaint, the due process hearing may occur, and all of the applicable timelines for a due process hearing shall commence.

In the case that a resolution is reached to resolve the complaint at a Resolution Session meeting the parties shall execute a legally binding agreement that is signed by both the parent and a representative of the agency who has the authority to bind such agency; and enforceable in any State court of competent jurisdiction or in a district court of the United States. If the parties execute an agreement, a party may void such agreement within 3 business days of the agreement's execution.

Not less than 5 business days prior to a hearing conducted, each party shall disclose to all other parties all evaluations completed by that date, and recommendations based on the offering party's evaluations, that the party intends to use at the hearing. An ALJ may bar any party that fails to comply from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

An ALJ conducting a hearing shall, at a minimum not be an employee of the Iowa Department of Education or the local educational agency involved in the education or care of the child; or a person having a personal or professional interest that conflicts with the person's objectivity in the hearing; possess knowledge of, and the ability to understand, the provisions of this title, Federal and State regulations pertaining to this title, and legal interpretations of this title by Federal and State courts; possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.

The party requesting the due process hearing, the appellant, shall not be allowed to raise issues at the due process hearing that were not raised in the notice unless the other party agrees otherwise. A parent or agency shall request an impartial due process hearing within 2 years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the complaint. The timeline shall not apply to a parent if the parent was prevented from requesting the hearing due to specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the complaint; or the local educational agency's withholding of information from the parent that was required to be provided to the parent.

A decision made by an ALJ shall be made on substantive grounds based on a determination of whether the child received a free appropriate public education. In matters alleging a procedural violation, an ALJ may find that a child did not receive a free appropriate public education only if the procedural inadequacies--

- impeded the child's right to a free appropriate public education;
- significantly impeded the parents' opportunity to participate in the decisionmaking process regarding the provision of a free appropriate public education to the parents' child; or
- caused a deprivation of educational benefits.

This shall not be construed to preclude an ALJ from ordering a local educational agency to comply with procedural requirements under this section. Nothing in this paragraph shall be construed to affect the right of a parent to file a complaint with the State of Iowa.

Safeguards

Any party to a hearing or an appeal shall be accorded--

- (1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
- (2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses;
- (3) the right to a written, or, at the option of the parents, electronic verbatim record of such hearing; and
- (4) the right to written, or, at the option of the parents, electronic findings of fact and decisions, which findings and decisions shall be made available to the public consistent with the requirements relating to the confidentiality of data, information, and records); and shall be transmitted to the special education advisory panel.

Administrative Procedures

A decision made in a due process hearing or a hearing involving placement in an alternative educational setting shall be final, except that any party involved in such hearing may appeal such decision. Any party aggrieved by the findings and decision made regarding a due process hearing or hearing involving placement in alternative educational setting, and any party aggrieved by the findings and decision, shall have the right to bring a civil action with respect to the complaint presented, which action may be

brought in any State court of competent jurisdiction or in a district court of the United States, without regard to the amount in controversy. The party bringing the action shall have 90 days from the date of the decision of the ALJ to bring such an action. Iowa has no explicit time limitation in statute for such actions. However, a party is strongly urged to consult legal counsel on this point.

Maintenance of Current Educational Placement

Except for placement during appeals involving placement in alternative educational setting, during the pendency of any proceedings conducted according to IDEA, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of the child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.

Placement in Alternative Educational Setting

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct. School personnel may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities).

If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities, except as provided in state eligibility requirements (612(a)(1)) although it may be provided in an interim alternative educational setting.

A child with a disability who is removed from the child's current placement (referring to the interim alternative educational setting, irrespective of whether the behavior is determined to be a manifestation of the child's disability) or referring to above paragraph shall continue to receive educational services, as provided in section 612(a)(1), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

Except as described in the first paragraph above, within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency, the parent, and relevant members of the IEP Team (as determined by the parent and the local educational agency) shall review all

relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or if the conduct in question was the direct result of the local educational agency's failure to implement the IEP. If the local educational agency, the parent, and relevant members of the IEP Team determine that either is applicable, the conduct shall be determined to be a manifestation of the child's disability.

If the local educational agency, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall--

- conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that the local educational agency had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- in the situation where a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- return the child to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child--

- carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;
- knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or
- has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

Not later than the date on which the decision to take disciplinary action is made, the local educational agency shall notify the parents of that decision, and of all procedural safeguards accorded under this section. The interim alternative educational setting shall be determined by the IEP Team.

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or a local educational agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing.

An ALJ shall hear, and make a determination regarding, an appeal requested when disagreeing with any decision regarding placement, or the manifestation determination or

the district believes maintaining the current placement would substantially likely result in injury to the child or others.

In making the determination the ALJ may order a change in placement of a child with a disability. In such situations, the ALJ may return a child with a disability to the placement from which the child was removed; or order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the ALJ determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

When an appeal has been requested by either the parent or the local educational agency the child shall remain in the interim alternative educational setting pending the decision of the ALJ or until the expiration of the time period provided for (found in second paragraph above), whichever occurs first, unless the parent and the State or local educational agency agree otherwise; and the State or local educational agency shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.

A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. A local educational agency shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred--

- the parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
- the parent of the child has requested an evaluation of the child; or
- the teacher of the child, or other personnel of the local educational agency, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency.

A local educational agency shall not be deemed to have knowledge that the child is a child with a disability if the parent of the child has not allowed an evaluation of the child or has refused services under this part or the child has been evaluated and it was determined that the child was not a child with a disability under this part.

If a local educational agency does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors.

If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under this subsection, the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

Nothing shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability. An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

Definitions include:

- **Controlled Substance.** The term `controlled substance' means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- **Illegal Drug.** The term `illegal drug' means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
- **Weapon.** The term `weapon' has the meaning given the term `dangerous weapon' under section 930(g)(2) of title 18, United States Code.
- **Serious Bodily Injury.** The term `serious bodily injury' has the meaning given the term `serious bodily injury' under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

Rule of Construction

Nothing shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the pertinent procedures shall be exhausted to the same extent as would be required had the action been brought under this part.

Transfer of Parental Rights at Age of Majority

When a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law)--

(A) the agency shall provide any notice required by this section to both the individual and the parents;

(B) all other rights accorded to parents under this part transfer to the child;

(C) the agency shall notify the individual and the parents of the transfer of rights; and

(D) all rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

If, under State law, a child with a disability who has reached the age of majority under State law, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child under this part.

In Iowa the age of majority is reached on three occasions:

- on the minor's 18th birthday,
- on the date of a minor's marriage, or
- upon being "tried, convicted and sentenced as an adult and committed to the custody of the director of the department of corrections...."

Electronic Mail

A parent of a child with a disability may elect to receive notices required under this section by an electronic mail (e-mail) communication, if the agency makes such option available.

Separate Complaint

Nothing in this section shall be construed to preclude a parent from filing a separate due process complaint on an issue separate from a due process complaint already filed.

Legal References

Federal Requirements

20 USC 1415	Procedural safeguards
20 USC 1412(a)(6)	Procedural safeguards
18 USC 930(g)(2)	Definition of dangerous weapon
18 USC 1365(h)(3)	Definition of serious bodily injury
20 USC 1412(a)(1)(A)	Free appropriate public education
20 USC 1413(i)	Disciplinary information
21 USC 812	Controlled Substances Act

Iowa Requirements

Iowa Code section 72.4(5)

Iowa Administrative Rules of Special Education

Division VII – Identification 281-41.47 through 41.56

Division X – Parent Participation 41.102 through 41.111

Division XI – Special Education Appeals 41.112 through 41.125

281-41.12 Agency responsibilities

281-41.71 Discipline Procedures

281-41.72 Manifestation Determination

281.41.73 Appeal

VIII. CONFIDENTIALITY

It is the policy of the State of Iowa that personally identifiable information maintained by the State Education Agency (SEA), area education agencies (AEAs), and local education agencies (LEAs) for students with disabilities is confidential and protected by FERPA's requirements.

Before any major identification, location, or evaluation activity, the LEA and AEA publish the notice or announcement in newspapers or other media, or both with circulation adequate to notify parents throughout the AEA of the activity. The Iowa Department of Education publishes an annual notice to parents in the principal newspaper of Iowa.

The State of Iowa, area education agencies, and local school districts give notice that is adequate to fully inform parents about the requirements of confidentiality including:

1. A description of the extent that the notice is given in the native languages of the various population groups in the State;
2. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
4. A description of all of the rights of parents and children regarding this information,

The following procedures have been established to protect the confidentiality of child identification data that is collected by this state from AEAs and LEAs. The Iowa Department of Education and Area Education Agencies' Information Management System (IMS) is a cooperative effort designed to meet the data management needs of the DE and AEAs. The IMS maintains data that is accurate, current and reflective of the quality and quantity of special education services provided. In addition to meeting data reporting requirements, the IMS also is designed to provide information needed to enhance service delivery and program improvement. The Chief of the Bureau of Children, Family and Community Services is responsible for the confidential maintenance and management of all data relating to children with disabilities that are collected by the Iowa Department of Education.

1. The Chief has the authority to designate a person or persons to serve as custodian of all data collected and to designate those persons who will legitimately have access to such data. Permission for the release of any information held in this data bank must be obtained from the Bureau Chief. Any data released by the designated person will not contain individually identifiable information, and would usually consist only of summary reports presenting usable totals.

2. All child identification data received by the SEA from AEAs and LEAs is in coded form. The local educational level official or designated person codes the data. This official is the AEA Director of Special Education who by law is assigned responsibility for assuring the appropriate educational placement of children with disabilities. The format of the coding system and its utilization are known only by the responsible officers at the LEA who prepare and submit the coded data to the SEA.
3. To ensure the confidentiality of the identity of each student, an alphanumeric code has been developed that obscures any personally identifiable data or information. It allows individual students to be distinguished only by ID code number at the state level. Names of individual children can only be obtained from the local educational agency and not from data submitted to the SEA. This alphanumeric system allows the collection of adequate data on an individual basis without jeopardizing the confidentiality of a student's record. It does, however, permit the SEA to collect sufficient data on a statewide basis to ensure efficient program administration and monitoring.
4. Other data pertaining to a student that are collected include the resident LEA, the LEA sponsoring the instructional program in which the student is enrolled, and the type of disability.
5. The disposition and destruction of data source documents is under the direct supervision of the assigned data custodian. All such documents are destroyed through a shredding process.

Right to Inspect Records.

Each participating agency shall permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency shall comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing relating to the identification, evaluation, placement or provision of FAPE and, in no case, more than 45 days after the request has been made.

The right to inspect and review education records includes –

- a) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;
- b) The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records;
- c) The right to have a representative of the parent inspect and review the records.

An agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

Record of Inspection.

Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used under Part B of IDEA (except access by parents and authorized employees of the participating agency). The record shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

Record location.

Each participating agency shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the agency.

Each participating agency may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. A participating agency may not charge a fee to search for or to retrieve information under this part.

Amending records.

A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information. The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a hearing.

The agency shall, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing. If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency. Any explanation placed in the records of the child under this section must (1) be maintained by the agency as part of the records of the child as long as the record or contested portion is maintained by the agency; and (2) if the records of the child or the contested portion is disclosed by the agency to any party, the explanation must also be disclosed to the party.

Disclosure.

Except for disclosures authorized under FERPA regulations, parental consent must be obtained before personally identifiable information is

1. disclosed to anyone other than officials of participating agencies collecting or using the information; or,
2. used for any purpose other than meeting a requirement of federal regulations.

An educational agency or institution may not release information from education records to participating agencies without parental consent unless authorized to do so.

State of Iowa policies and procedures may be used if a parent refuses consent or does not respond to a request for consent. If a parent refuses to give permission, the participating agency shall attempt to seek resolution through an individual conference(s). If the parent still refuses to give consent, the participating agency shall either accept the decision or appeal to the SEA. This appeal will include a mediation effort involving Bureau of Children, Family and Community Services personnel and, if required, a formal hearing.

Responsibility for protecting confidentiality.

Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. To assure protection:

1. One official at each participating agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information.
2. All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures.
3. Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

Data destruction.

The public agency shall inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child. The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Transfer of rights at age of majority.

The State of Iowa shall provide policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability. The rights of parents regarding education records are transferred to the student at age 18. If the rights accorded to parents under Part B of the Act are transferred to a student who reaches the age of majority, the rights regarding educational records must also be transferred to the student. However, the public agency must provide notice regarding the transfer to the student and the parents.

Monitoring procedures for confidentiality.

The Iowa Department of Education through the process of monitoring certification assures that each participating district/agency receiving and/or eligible for funds from federal sources has all such policies and procedures, as described herein, in effect. In the event a district/agency fails to comply with the provisions of this part, the Department of Education may initiate actions to withhold the payment of federal funds available to the district/agency under IDEA and/or the payment of state funds available to support the special education services.

The State of Iowa does not require a public agency to include in the records of a child with a disability a statement of any current or previous disciplinary actions that have been taken against the child.

Legal References

Federal Requirements

20 USC 1232g.....Family Educational Rights and Privacy Act (FERPA)
20 USC 1412(a)(8).....Confidentiality of records and information
20 USC 1417(c)Confidentiality

Iowa Requirements

Iowa Code section 22.7, “Examination of Public Records”
Iowa Code chapter 256, Special Education

Iowa Administrative Code 281-5, “Public Records and Fair Information Practices”
Iowa Administrative Code 12.3(4), “Student Records”

Iowa Administrative Rules of Special Education:
281-41.29- 41.35 Division V, Confidentiality of Information
281-41.111 Transfer of Parents Rights at Age of Majority
281-41.144 Sanctions

X. PRIVATE SCHOOLS

General

It is the policy of the State of Iowa that children with disabilities in accredited nonpublic elementary and secondary schools (“private schools”) will be afforded all the rights they would have available to them if educated in a public education program:

1. Private school children with disabilities will be provided special education and related services in conformance with an individualized education program (IEP).
2. Programs and services for private school children with disabilities will be provided at no cost to the parents.
3. Each LEA and AEA shall provide special education and related services designed to meet the needs of private school children with disabilities residing in the jurisdiction of the agency, if those services are not normally provided by the private school.
4. It is the policy of the State of Iowa that the state’s complaint process and due process rights apply to all private school children with disabilities.

Policies and procedures have been established by State law and attendant regulations governing the placement of children with disabilities in private schools within the State of Iowa or in other States. In order to provide for private school involvement and participation in the development of state policy relating to the education of children in private schools, the Iowa legislature has established the Nonpublic School Advisory Committee. The five-member committee is appointed by the Governor to advise the State Board and the director on matters affecting nonpublic schools. Private schools or facilities are thereby afforded an opportunity to be involved in matters relating to the development and/or revision of standards through the membership of the Private School Advisory Committee.

Procedures

General procedures. Private schools will be forwarded copies of rules and standards relating to the education of children with disabilities. Each AEA shall carry out consultation activities with appropriate representatives of private school children with disabilities as described below.

The State of Iowa assures that all AEAs will comply with the following listed requirements relating to the participation of private school students in project activities supported by IDEA funds. The AEAs will describe in its application the manner in which these requirements will be met. No program application will be approved that does not meet all requirements relating to participation of private school students. Each AEA shall provide assurance and describe the manner and extent of the agency's consultation with representatives of nonpublic schools prior to the preparation of the

plan/application. This consultation shall provide a genuine opportunity for the expression of views regarding all relevant matters and shall include consideration of:

- The AEA's child find process and how parentally placed nonpublic school children with suspected disabilities can participate equitably
- How children with disabilities in nonpublic schools can meaningfully participate in special education and related services
- How, where, and by whom special education and related services will be provided for parentally placed nonpublic school children with disabilities
- How, if the AEA disagrees with the nonpublic school about the provision of services, the AEA will provide to nonpublic school officials a written explanation of reasons
- A resulting affirmation that the consultation has occurred, signed by the representatives of participating nonpublic schools

Child find. Each AEA shall locate, identify, and evaluate all private school children with disabilities, including religious school children and children attending non-accredited nonpublic schools residing in the jurisdiction of the AEA. These activities shall be comparable to activities undertaken for children with disabilities in public schools. Each AEA shall consult with appropriate representatives of private school children with disabilities on how to carry out the above activities.

Child count. Public school officials must consult with private school officials about how to conduct the annual count of children. The count must be conducted on the same date as the public school count (December 1). The count is used to determine the amount of federal funds used to serve private school children with disabilities in the next fiscal year.

Programs and services. These special education programs and services to be provided to a private school child with a disability will be determined based on an IEP developed in accordance with State law and attendant regulations. The services provided to private school children with disabilities are provided by personnel meeting the same standards as personnel providing services in the public schools.

Transportation. Identified students requiring an instructional program who attend nonpublic schools may attend a program made available by the resident public school. The LEA is responsible for transportation to and from the special education instructional program. If a site other than the nonpublic school is chosen for special education support or related services, the AEA is responsible for transportation to and from the site of the service.

Service location. Public school personnel involved with the identification and evaluation of students with disabilities may perform these services, when required, in nonpublic settings. Identified students requiring an instructional program who attend nonpublic schools may attend a program made available by the resident public school. Students who attend nonpublic schools and have been identified as entitled to special education support or related services may receive certain services on site at the nonpublic school. Otherwise, the services will be provided at the AEA or the resident public school. On-site services *must* be provided in the case where the IEP team determines the need for

assistance with physical and communication needs of students with physical disabilities, and/or services of an educational interpreter.

The State of Iowa assures that educational programs and projects which are carried out in public facilities, and which involve joint participation by children with disabilities enrolled in public and private schools, will not include classes or activities that are separated on the basis of school enrollment or children's religious affiliation.

Resources. Iowa's statute regarding provision of special education services for parentally placed students in nonpublic schools (256.12) includes the requirement that "school districts and area education agency boards shall make public school services, which shall include special education programs and services...available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students.". The allocation of Part B dollars to students with disabilities enrolled by their parents in accredited nonpublic schools shall be based on the proportionate share required by IDEA 2004. This proportionate share shall be calculated for each AEA, and shall be calculated by the Department based on enrollment information submitted to the Department.

Funding of services – state and local funds. Students who receive special education services, including those enrolled in nonpublic schools, shall be weighted for funding purposes at the appropriate level as provided in code and rule. A local school district providing services shall submit an accounting to the Department of Education for the actual costs of the special education programs and services provided. The department shall review and approve or modify the accounting and shall notify the department of revenue and finance of the approved accounting amount. The Department of Revenue and Finance shall adjust the payment to the local school district for the next fiscal year by the difference between the amount generated by the weighting for the provision of services to nonpublic school students, and the amount of the actual costs as reflected in the local school district's accounting. Any amount paid by the Department of Revenue and Finance shall be deducted monthly from the state foundation aid paid during that fiscal year to all school districts in the state. The portion of the total amount of the approved accounting amount that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year.

Appropriate use of funds. Special schools for eligible individuals who require special education outside the general education environment may be maintained by individual LEAs, by the AEA, jointly by two or more AEAs, by the state directly, or by approved private providers. Department recognition of agencies providing special education and related services shall require or be conditional upon assurances that the nonpublic agencies and state-operated programs providing special education and related services are doing so in compliance with the state rules, and approval for the nonpublic agency to provide special education and related services, and to receive special education funds for the special education and related services contracted for by an LEA or an AEA.

It is the policy of the State of Iowa that if Part B IDEA funds are used to support the education of children with disabilities from private schools, such funds will not directly benefit the private school, or be used to maintain the existing level of instruction in private schools. Funds will be used to meet the specific needs of the students enrolled in private schools, rather than the needs of a private school or the general needs of the students enrolled in a private school.

It is the policy of the State of Iowa that Part B IDEA funds may be used to make public personnel available in nonpublic facilities to the extent necessary to provide child find services and the services specified in the IEP. The manner in which these services are provided is determined through consultation with representatives of nonpublic schools as has been described previously in this section.

It is also the policy of the State of Iowa that, if Part B IDEA funds are used to support the education of children with disabilities from nonpublic schools, such funds will not include payment of salaries of nonpublic school personnel except for services performed outside their duty hours and under public supervision and control.

Education services provided by an AEA for children with disabilities enrolled in a private or nonpublic school or facility with funds generated under Part B IDEA shall remain under direct administrative control and direction of the AEA over such services including all equipment and funds.

Public agencies that place equipment and supplies acquired with Part B IDEA funds in a private facility must assure that:

- a) Such equipment and supplies will remain under the administrative control and title of the public applicant agency.
- b) The equipment and supplies that are placed in a private school will remain in the private school only for a period of time needed for project activities.
- c) The equipment and supplies are used only for the purposes of the project.
- d) The equipment and supplies will be removed from the private school site when no longer needed for project purposes or removal is necessary to assure that such equipment and supplies are not used for other than project purposes.
- e) Any such equipment and supplies can be removed without remodeling the private school facilities.

The State of Iowa assures that funds acquired under provision of Part B IDEA will not be used for the construction of private school facilities.

It is the policy of the state that the AEA and/or local school district where a private school is located and the AEA and/or local school district of the child's residence shall obtain parental consent before sharing personally identifiable information about the child.

Students placed by a public agency in a private school

Before a public agency places an eligible individual in, or refers an eligible individual to, a nonpublic school or facility, the agency shall initiate and conduct a meeting to develop an IEP. The agency shall ensure that a representative of the nonpublic school or facility attends the meeting. If the representative cannot attend, the agency shall use other methods to ensure participation by the nonpublic school or facility. The public agency shall ensure that the parents and an agency representative are involved in any decision about the individual's IEP and agree to any proposed changes in the program before those changes are implemented. Even if a nonpublic school or facility implements an individual's IEP, responsibility for compliance with these rules remains with the public agency and the state.

Students placed in a private agency by parents or guardians

Students with disabilities may be placed in private educational programs by their parents. In some instances, concerns regarding FAPE may be at issue. In other cases, other reasons explain the placement. As used in this part, private school children with disabilities means children with disabilities enrolled by their parents in private schools or facilities other than children with disabilities covered under § 1412(a)(10)(B) (children with disabilities who are or have been placed in or referred to a private school or facility by a public agency as a means of providing special education and related services).

When a child with a disability is offered a free appropriate public education by a public education agency and the parents waive the opportunity being made available in favor of a private school placement, the parents assume all financial responsibility for the child's education, except for services provided by LEA and AEA as required by state and federal statutes. In instances where the parent contends that he/she is being forced, at the parent's own expense, to seek private school placement because an appropriate public program is not available, and the responsible education agency disagrees, that disagreement and the question of financial responsibility are subject to due process procedures.

School districts and area education agency boards shall make special education programs and services available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students. This requirement applies to students attending accredited nonpublic schools. Student-specific services (e.g., assistance with physical and communication needs of students with physical disabilities, and services of an educational interpreter) *must*, with the permission of the lawful custodian, be provided on nonpublic sites in the case where the IEP team determines the need for such services. Students who attend non-public schools and have been identified as entitled to special education support or related services may receive those services on a neutral site or at the AEA or the resident public school. Students requiring an instructional program who attend nonpublic schools may attend a program made available by the resident public school.

The area education agencies shall provide services and programs to pupils enrolled in public or nonpublic schools located within its boundaries that are on the list of accredited

schools. The programs and services provided to students enrolled in nonpublic schools shall be comparable to programs and services provided to students enrolled in public schools.

Students placed in a private agency when FAPE is an issue. Disagreements between a parent and a public agency regarding the availability of a program appropriate for an eligible individual, and the question of financial responsibility, are subject to the due process procedures.

If the parents of an eligible individual, who previously received special education and related services under the authority of a public agency, enroll the child in a nonpublic preschool, elementary or secondary school without the consent of or referral by the public agency, a court or administrative law judge may require the agency to reimburse the parents for the cost of that enrollment if the court or administrative law judge finds that the agency had not made FAPE available to the child in a timely manner prior to that enrollment and the nonpublic placement is appropriate. A parental placement may be found to be appropriate by an administrative law judge or a court even if it does not meet the state standards that apply to education provided by the department and LEAs.

The cost of reimbursement may be reduced or denied:

1. If at the most recent IEP meeting that the parents attended prior to removal of the eligible individual from the public school, the parents did not inform the IEP team that they were rejecting the placement proposed by the public agency to provide FAPE to their child, including stating their concerns and their intent to enroll their child in a nonpublic school at public expense; or at least ten business days (including any holidays that occur on a business day) prior to the removal of the eligible individual from the public school, the parents did not give written notice to the public agency of the information described in this rule.
2. If, prior to the parents' removal of the individual from the public school, the public agency informed the parents, through the mandatory notice requirements, of its intent to evaluate the individual (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the individual available for the evaluation, or upon a judicial finding of unreasonableness with respect to actions taken by the parents.

The cost of reimbursement may not be reduced or denied for failure to provide the notice if:

1. The parent is illiterate and cannot write in English;
2. Compliance would likely result in physical or serious emotional harm to the individual;
3. The school prevented the parent from providing the notice; or
4. The parents had not received required notice of the notice requirement.

Students placed in private schools when FAPE is not an issue. If an eligible individual has FAPE available and the parents choose to place the individual in a nonpublic school or facility, the public agency is not required to pay for the individual's education at the nonpublic school or facility. However, the public agency shall make services available to the individual consistent with the requirements of state and federal statutes.

Legal References

Federal Requirements

20 USC 1411(g)Subgrants to local educational agencies
20 USC 1412(a)(3).....Child find in private schools
20 USC 1412(a)(10)(A)-(C)Children in private schools
20 USC 1415Procedural safeguards
20 USC 1419Preschool grants

Iowa Requirements

Iowa Code Chapter 256 – Department of Education
Iowa Code Chapter 256B – Special Education
Iowa Code Chapter 273 – Area Education Agencies
Iowa Code Chapter 257

Iowa Administrative Rules of Special Education:

281-41-15 - LEA Responsibilities
281-41.23 - Special School Provisions
281-41.74 - Eligible individuals in nonpublic schools
281-41.104 - Prior notice by a public agency
281-41.143 - Monitoring
281-41.105 - Complaints to the department

XI. METHODS OF ENSURING SERVICES

It is the policy of the State of Iowa that interagency agreements are in effect between noneducational public agencies and the State Education Agency (SEA) to ensure that FAPE is provided to students and children receiving special education services. The interagency agreements include:

1. An identification of, or a method for defining, the financial responsibility of each agency for providing services and to ensure FAPE to children with disabilities. The financial responsibility of each noneducational public agency, including the State Medicaid agency and other public insurers of children with disabilities, must precede the financial responsibility of the local education agency (LEA).
2. The conditions, terms, and procedures under which an LEA must be reimbursed by other agencies.
3. Procedures for solving interagency disputes (including procedures under which LEAs may initiate proceedings) under agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.
4. Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services.

The Iowa Department of Education and the Iowa Department of Human Services enter into an interagency agreement that delineates responsibilities for the administration of the Iowa Medical Assistance Program (IAMAP), a program for Medicaid reimbursement. Each of the ten area education agencies (AEAs) and the Department of Human Services also sign agreements to implement IAMAP

The Department of Corrections, the Department of Education and the AEAs sign an interagency agreement to provide special education services to student inmates requiring special education services incarcerated in Iowa's adult correction facilities.

Where disputes arise between two agencies regarding the financial or programmatic responsibility for special education, the final determination will be made by the State Board of Education. An AEA or LEA may appeal a decision to the State Board of Education. The decision of the state board is final. The state also has a provision for an ombudsman to settle disputes between state agencies (Iowa Code Chapter 2C). The Directors of the agencies in dispute initiate a referral to this office.

Interagency agreements shall be made in compliance with the provisions of Iowa Chapter 28E, Joint Exercise of Governmental Power.

The Individuals with Disabilities Education Act, Part B and state laws and rules for the implementation of this Act shall not be construed to limit the responsibility of agencies other than educational agencies in a State from providing or paying for some or all of the

cost of a free appropriate public education to be provided children with disabilities in the State.

If a child with disabilities is covered by public insurance, a public agency may use the Medicaid or other public insurance benefits programs in which a child participates to provide or pay for services required and as permitted under the public insurance program. The public agency must obtain parental consent the first time that access is sought and notify parents that refusal to allow access to their public insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents. The public agency may not require parents to sign up for or enroll in public insurance programs in order for their child to receive FAPE. The public agency may not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided under these rules; but may pay the cost that the parent otherwise would be required to pay; and may not use a child's benefits under a public insurance program if that use would:

1. Decrease available lifetime coverage or any other insured benefit;
2. Result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the child outside of the time the child is in school;
3. Increase premiums or lead to the discontinuation of insurance; or
4. Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

A public agency may access a parent's private insurance proceeds only if the parent provides informed consent as defined by rule to provide services required for FAPE. Each time the public agency proposes to access the parent's private insurance proceeds it must:

1. Obtain parent consent in accordance with rule; and
2. Inform the parents that their refusal to permit the public agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

The Department of Education assists in the coordination of the educational activities and services provided to children requiring special education with agencies such as the Department of Human Services and the Board of Regents.

Legal References

Federal Requirements

20 USC 1412(a)(11)	State responsibility for general supervision
20 USC 1412(a)(12).....	State obligations to ensure services
20 USC 1417.....	Administration
Title XIX of the Social Security Act	Medicaid

42 U.S.C. 11431 *et seq.*.....

McKinney-Vento Homeless Assistance Act

Iowa Requirements

Iowa Code Chapter 2C – Citizens Aide

Iowa Codesection 256B.e – Powers and duties of division of special education

Iowa Codesection 256B.15 – Reimbursement for special education services

Iowa Code Chapter 282 – School Attendance and Tuition

Iowa Code Chapter 28E – Joint Responsibilities

Iowa Administrative Rules of Special Education

281-41.12Responsibilities of all agencies

281.41.15.....District responsibilities

281.41.18.....AEA responsibilities

281-41.128Contractual agreements

281-41.132Program costs

281-41.132(10).....Children with disabilities who are covered by public
insurance

XIII. PERSONNEL QUALIFICATIONS

It is the policy of the State of Iowa to ensure that personnel necessary to carry out this Act are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

Further, it is the policy of the State of Iowa to require certification, licensing, and professional recognition qualifications for all personnel employed to provide special education and related services that meet or exceed the highest requirements in the state applicable to comparable disciplines. These requirements are set forth in rules of the Board of Educational Examiners.

The qualifications for related services personnel and paraprofessionals:

- are consistent with State-approved certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services;
- ensure that related services personnel who deliver services in their discipline or profession meet the requirements of clause and have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
- allow paraprofessionals and assistants who are appropriately trained and supervised in accordance with Iowa law to be used to assist in the provision of special education and related services under this part to children with disabilities.

The qualifications for special education teachers, as outlined below, meet the highly qualified requirements of the No Child Left Behind Act of 2001 and the Individuals with Disabilities Act of 2004. The State of Iowa ensures that each person employed as a special education teacher in the state who teaches elementary school, middle school or secondary school is highly qualified by the end of the 2005-2006 school year.

The term "highly qualified" in Iowa means for teachers to demonstrate competence in the subject areas they teach through appropriate licensure and endorsement. Additionally, a highly qualified special education teacher:

- has obtained full State certification as a special education teacher;
- has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
- holds at least a bachelor's degree.

Iowa special education teachers who teach core academic subjects exclusively to children who are assessed against alternate achievement standards may either demonstrate competence in the subject area they teach by meeting the requirements outlined above as an elementary or secondary teacher, or, in the case of instruction above the elementary level, have subject matter knowledge appropriate to the level of instruction being provided.

Special education teachers who teach 2 or more core academic subjects exclusively to children with disabilities may meet the requirements outlined above.

Special education teachers who are not new to the profession must meet the highly qualified requirements by the end of the 2005-06 school year. New special education teachers who teach multiple subjects and who are highly qualified in mathematics, language arts, or science, must demonstrate competence in the additional core academic subjects in which they teach not later than 2 years after the date of employment.

The State of Iowa has adopted a policy that includes a requirement that local educational agencies in the State take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities.

Legal References

Federal Requirements

20 USC 1412(a)(14).....Personnel qualifications

Iowa Requirements

Iowa Administrative Rules of Special Education

Division III Personnel 41.8 through 41.10

Iowa Code section 282.14.....Issuance of Practitioner's Licenses and Endorsements

Iowa Code section 282.15.....Requirements for Special Education Endorsements

Iowa Code section 282.16Occupational and Postsecondary Endorsements and Licenses

Iowa Code section 282.17.....Renewal of Licenses

Iowa Code section 282.20.....Evaluator License

XIV. PERFORMANCE GOALS AND INDICATORS

The educational strategic plan for the state of Iowa, approved by the State Board of Education, provides a framework to improve student learning in the state for all students. In Iowa, goals and indicators are defined for all public schools and they will be held to the same process and criteria for making adequate yearly progress toward 100% proficiency by the 2013-14 school year as defined in the Elementary and Secondary Education Act (Public Law 107-110).

The goal for the educational system in the state of Iowa is:

To improve the level of learning, achievement and performance of all students so they will become successful members of their community and the workforce.

For purposes of AYP accountability, all public schools and LEAs will be judged by performance and improvement on the Iowa Tests of Basic Skills (ITBS) and the Iowa Tests of Educational Development (ITED). All public school buildings and districts will also be accountable for subgroup performance as required by federal law provided the subgroup meets the minimum size requirement (30) as determined by the state. In the year 2005-06, the AYP definition will include all students and subgroups in grades 3-8 and grade 11 in reading and mathematics and grades 5, 8, and 11 for science.

Indicators of success reported at the state level will be:

- Participation rate in reading assessment and Annual Measurable Objective (AMO) (by Grades 4, 8, 11; and by the following grade spans beginning in 2006-2007; 3-5, 6-8 and 11)
- Participation rate in mathematics assessment and Annual Measurable Objective (AMO) (by Grades 4, 8, 11; and by the following grade spans beginning in 2006-2007; 3-5, 6-8, and 11)
- Participation rate in science assessment and Annual Measurable Objective (AMO) in Grades 5, 8, and 11 beginning in 2007-2008

To improve the performance of all students so they will become successful members of their community and the workforce.

The State Board of Education has identified a graduation rate of 95% as the end-goal. The current state average is 90%. School districts and schools with graduation rates less than the state average will be expected to increase each year at a minimum (for each group below the state average). A minimum group size 30 will apply to the other academic indicators.

Indicator of success reported at the state level will be: Graduation rate (by building and district). Graduation rate data will be one year in arrears, to allow schools to include summer graduates in their total counts. For example, the 2001-2002 graduation rate will be used for 2002-2003 AYP decisions, and the 2002-2003 graduation rate will be used for 2003-2004 AYP decisions.

Annually the State of Iowa will report to the Secretary of Education and the public of Iowa, the progress of the State and of the children with disabilities in the State, toward meeting these goals. Based upon the assessment of the progress, the State will revise its State Improvement Plan as needed to improve its performance.

Legal References

Federal Requirements

20 USC 1412(a)(15).....Performance goals and indicators

Iowa Requirements

Iowa Rules Chapter 12 – Division VIII

XV. PARTICIPATION IN ASSESSMENTS

It is the policy of the State of Iowa that all students with disabilities will be included in state and district assessments, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs.

The Iowa Department of Education has developed procedures for determining whether children with disabilities will participate in typical state and district assessments with or without accommodations, or whether a child with a disability will participate in an alternate assessment. These procedures have been disseminated to the area education agencies and local school districts through guidance documents and training. The procedures are to be used by IEP teams. The procedures to be followed during the IEP meeting are:

1. Determine which of the following statements best describes the student's appropriate assessment approach.
 - a. Can the student participate with no or only slight modifications? The student should participate in district wide assessment.
 - b. Can the student participate with significant modifications? The student should participate in district wide assessment
 - c. Can the student participate with any accommodations? The student should participate in alternate assessment based on alternate achievement standards and aligned with the local district's challenging academic content standards.

The Iowa Department of Education in conjunction with area education agencies (AEAs) and local education agencies (LEAs) uses universal design principles in developing and implementing these assessments.

The Iowa Department of Education, in conjunction with area education agencies (AEAs), will collect statewide data reflecting the percent of students with disabilities participating in each type of assessment.

The State of Iowa, local education agencies (LEAs) and AEAs will make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children in accordance with the state's general accreditation standards, the following information:

1. The number of children with disabilities participating:
 - i. in regular assessments and those providing accommodations
 - ii. in alternate assessments aligned with alternate academic achievement standards
 - iii. in alternate assessments aligned with the local district's challenging academic content and achievement standards.

2. The performance results of the children with disabilities if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children:
 - i. on regular assessments; and
 - ii. on alternate assessments (not later than July 1, 2000).

As required in Iowa Administrative Code, Chapter 12, all public and accredited nonpublic schools shall report annually to the Department of Education. The reports to the public will include:

1. Aggregated data that include the performance of children with disabilities together with all other children; and
2. Disaggregated data on the performance of children with disabilities.

LEAs are not permitted to report to the public disaggregated data if the group is less than 10 children.

It is also the policy of the State of Iowa to annually examine participation and result (proficiency) information for students with disabilities. These data are disaggregated by race/ethnicity to ensure that students of all races/ethnicities participate in statewide and districtwide assessments and that all students regardless of race/ethnicity have improving results.

The data reported to the public by the state will be in Iowa's Annual Condition of Education report and State Report Card. These reports are published in the fall of each school year. AEAs and LEAs will report to the public as outlined in Iowa's general accreditation standards.

Legal References

Federal Requirements

20 USC 1412(a)(16).....Participation in Assessments

Iowa Requirements

Iowa Code section 256.7 Duties of State Board
Iowa Administrative Code - Chapter 12 General Accreditation Standards
Iowa Administrative Rules of Special Education
281-12.8Accountability for student achievement
281-12.8(3).....Annual reporting requirements
281-41.18Responsibilities of AEAs

XXII. ACCESS TO INSTRUCTIONAL MATERIALS

It is the policy of the State of Iowa that all students with disabilities in the age range from birth to 21 years of age residing in this state, including children and youth attending private schools, who are in need of special education and related services are provided accessible texts and instructional materials at the same time as their non-disabled peers.

The State of Iowa has adopted the National Instructional Materials Accessibility Standard (NIMAS) and agrees to coordinate with the National Instructional Materials Access Center (NIMAC), located at the American Printing House for the Blind, for the purposes of providing instructional materials and texts to students who are blind and visually impaired or other students with print disabilities in a timely manner (no later than December 3, 2006, two years after the passage of IDEA 2004). Students who are blind, have a vision impairment, have a physical disability, or who have a reading disability are entitled to services from the NIMAC. The State will designate an authorized user for accessing the NIMAC.

Even if a student with a disability who requires accessible texts and instructional materials is not eligible for services from the NIMAC, that student still must receive those texts and materials at the same time as the student's non-disabled peers.

The production and delivery of accessible texts and instructional materials is a cooperative endeavor involving the state, area education agencies (AEAs), and local education agencies (LEAs). As part of the enactment of this new policy the State of Iowa requires that LEAs, as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, shall enter into a written contract with the publisher of the print instructional materials to-

- (a). Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or
- (b). Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.

Legal References

Federal Requirements

20 USC 1412(a)(23).....Access to instructional materials
20 USC 1413(a)(6).....LEA acquisition of accessible instructional materials

